

~~CONFIDENTIAL~~

UNITED STATES GOVERNMENT

Memorandum

1 - Mr. R. E. Gebhardt
1 - Mr. E. S. Miller

Felt _____
Baker _____
Callahan _____
Cleveland _____
Conrad _____
Dalbey _____
Gebhardt _____
Jenkins _____
Marshall _____
Miller, E. S. _____
Purvis _____
Soyars _____
Walters _____
Tele. Room _____
Mr. Kinley _____
Mr. Armstrong _____
Ms. Herwig _____
Mrs. Neenan _____

TO : Mr. E. S. Miller

DATE: 1/5/73

FROM : W. O. Cregar

JUNE

1 - Mr. W. O. Cregar
1 - Mr. T. J. Smith
1 - Mr. L. E. Belanger

SUBJECT: CONTINGENCY PLANS FOR TERRORIST ATTACK
DOMESTIC INTELLIGENCE DIVISION

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Cabinet Committee to Combat Terrorism

To recommend that agreement reached between the Domestic Intelligence Division (DID) and the General Investigative Division (GID) regarding supervisory responsibility of each Division under the "Act for the Protection of Foreign Officials and Official Guests of the U.S." be reapproved, and that the DID's proposed contingency plan be approved.

Memorandum dated 10/27/72, captioned "Act for the Protection of Foreign Officials and Official Guests of the U.S.," set forth that DID and GID proposed that supervisory responsibility of each Division regarding the Statute be divided as follows:

(1) GID will handle all violations of the Act assigned to the FBI by the Department of Justice where there is no indication of political consideration, subversive or terrorist activity, but will handle all plane hijacking cases.

(2) DID will handle all violations of the Act assigned to the FBI by the Department where indications exist that political consideration, subversion or terrorist activity are involved in the violation, exclusive of plane hijackings.

Mr. Gray approved the division of supervisory responsibility for the new legislation as noted above on 11/1/72.

A contingency plan has been prepared by the DID, with the concurrence of the GID, to be utilized to the extent necessary in the event of a terrorist act, supervision of

Enclosures

LEB:mlr
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NOT RECORDED

46 JUN 13 1973

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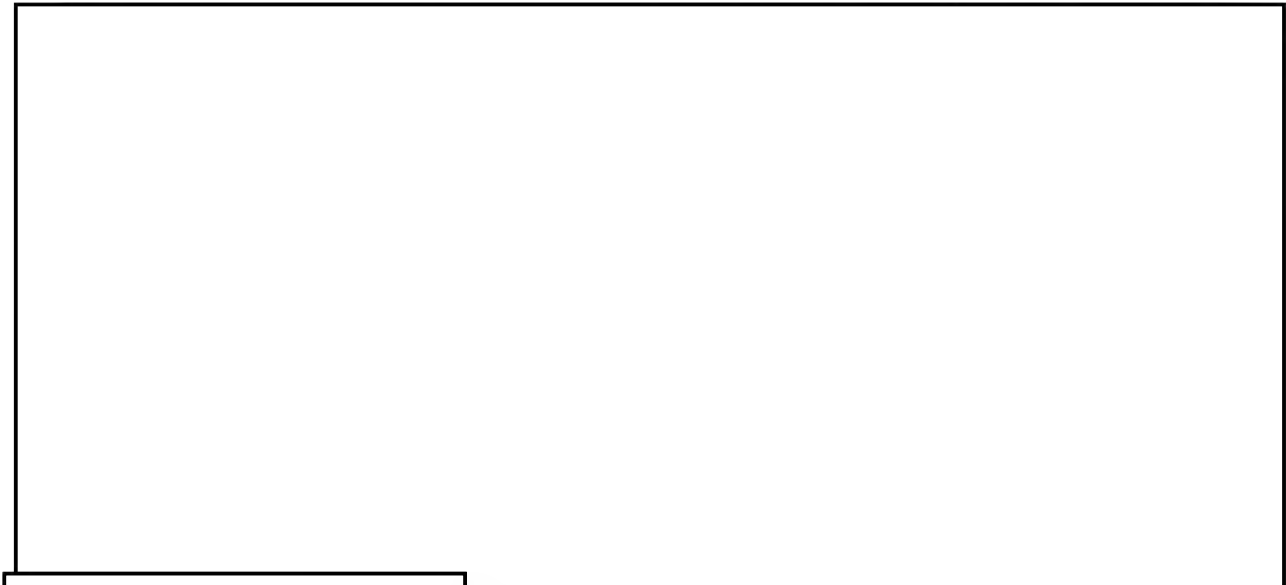
*4 of plan furnished E.S. Miller, R.E. Gebhardt, T.J. Smith, W.O. Cregar, L.E. Belanger, 1/9/73, LEB.
C.E. Gray, T.J. Smith, R.E. Shuckelard, E.C. Moore*

*1482 208/16
62-115-360-
DATE OF DECLASSIFICATION INDEFINITE*

ORIGINAL FILED IN

Memorandum to Mr. E. S. Miller
Re: Contingency Plans for Terrorist Attack
Domestic Intelligence Division

which rests with the DID. At the Executive Conference of 1/3/73, some opposition was expressed by those in attendance relative to DID assuming supervisory responsibility over cases involving kidnaping and murder under the new legislation where there was political or terrorist activity involved. Mr. Gray instructed that recommendations be made as to how the matter should be handled.



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It is estimated that 75% of DID work involves supervision of cases falling within the criminal statutes, and we are increasingly becoming more involved in criminal cases with security ramifications. As noted in memorandum dated 12/14/72 from Mr. E. S. Miller to Mr. W. Mark Felt, captioned as above, (attached) DID supervises a number of investigations which require "criminal-type" handling. These, of course, include bombing violations, investigations concerning Weatherman fugitives, violations of espionage statutes where evidence is gathered for prosecution, and conspiracy-type cases such as the Eastcon case. The Revolutionary Activities Section supervises cases in the Interstate-Transportation of Stolen Property (ITSP) and Federal Reserve Act categories which arise out of fraudulent check schemes perpetrated by revolutionary extremists, and investigations are also conducted under the National Firearms Act in cases involving procurement of illegal

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Domestic Intelligence Division

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arms. It will be specifically noted that DID supervises cases involving police killings where there are extremists involved and handles cases under the ITSP Statute where the Weatherman organization is involved. In May, 1971, two New York City police officers were shot in the back and killed while responding to a complaint. The DID supervised the investigative cooperation extended to police authorities, and five former Black Panther Party members and terrorists have been indicted in the case. It is to be noted that both DID and GID will assist each other to perfect solutions to any given violation under the law. This cooperation will extend to loan of personnel having an expertise in a given field which would be useful to the other Division and result in a most efficient and rapid solution of a case. Of course, if a violation occurs in which there is no political or terrorist activity involved, these cases will be in line with typical cases already being handled by personnel in GID.

It is recognized that the critical aspects of these investigations will be handled in the field. Each office has contingency plans to handle the major incidents under the new legislation, and these investigations will be conducted under the personal supervision of the SAC. Whether the incident falls within the supervisory responsibility of DID or GID, the same personnel will handle the investigative activity in the field.

The DID and the GID believe, in view of the above, that there is not and will be no serious problems regarding supervision of any case involving the new legislation either by the DID or the GID. The agreement reached by DID and GID in this regard appears to be the most logical solution to the problem.

RECOMMENDATION:

172 Approved. J. 1-15-72
9:57 P

(1) Mr. Gray reapprove agreement reached by DID and GID as set forth on page 1 of this memorandum.

(2) Consideration be given to approving the contingency plan attached to the W. O. Cregar to E. S. Miller memorandum dated 11/10/72, captioned "Cabinet Committee to Combat Terrorism." Thereafter, copies will be furnished to all personnel having responsibilities under the plan. The master copy of the plan will be maintained in the DID Duty Supervisor's office, 1002 9th & D Building.

10/11/72
J. M. W. A. R.

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RJG
WHL

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~~CONFIDENTIAL~~

Memorandum to Mr. E. S. Miller

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ADDENDUM:

E. S. MILLER:bjr

3/12/73

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The real answer is a commitment by the comity of nations to take whatever action is necessary to neutralize these terroristic political "animals."

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MEM

WAC

JWC

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[Signature]

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DID, GID would be regarded as the Division having more familiarity with the subtleties of these cases because these violations have traditionally been within GID's jurisdiction.

It was indicated at the Executives' Conference that the SAC in the Field can be expected to assign Agents versed in criminal matters to work on these cases. It seems desirable that if criminal Agents in the Field are going to be working the case, they should work under the supervision of the Division at Headquarters under whom they are accustomed to operating on a daily basis.

Fragmenting responsibility among Headquarters Divisions for supervising criminal investigations of certain violations is dangerous to the concept that there should be clearly established lines of authority when the allocation of Headquarters' responsibility depends upon "political considerations," a somewhat nebulous dividing line.

Turning now to the question whether countervailing considerations are present in the instant situation, any countervailing considerations which may exist are not sufficient to change my opinion in favor of GID as long as the following questions remain:

(1) The argument is made on page 2 of the referenced memorandum that DID believes that intelligence information from technical and live sources may be the key to the solution of serious violations of the new statute. Does the existence of this intelligence information depend upon whether DID is supervising the nuts and bolts aspects of the criminal investigation? If it does, this obviously is a point in favor of the recommendation contained in the referenced memorandum. If it does not, I would assume that DID would make available to GID any intelligence information DID has which is relevant to the arrest and conviction of the perpetrators of the violation GID is investigating.

(2) Assuming "political considerations" are clearly present in the case of a particular violation, does the legitimate interest which DID, in connection with its intelligence and security responsibilities, has in the incident giving rise to the violation, require that DID also take charge of the nuts and bolts work attendant to the criminal investigation?

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Addendum

Addendum (Continued...)

DMA:nm

1/11/73

The fact that both GID and DID favor the division of responsibility proposed in the referenced memorandum strongly suggests an affirmative answer to these two questions. However, I am still not convinced that these questions have been squarely raised and answered.

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UNITED STATES GOVERNMENT

Memorandum

~~CONFIDENTIAL~~

CLASSIFIED BY 1482 Bm/03
EXEMPT FROM GDS CATEGORY 2, 3
DATE OF DECLASSIFICATION INDEFINITE
DATE: 3/9/73

Mr. Felt ☒
Mr. Baker _____
Mr. Callahan _____
Mr. Cleveland _____
Mr. Conrad _____
Mr. DeLoach _____
Mr. Jenkins _____
Mr. Marshall _____
Mr. Miller, E.S. ☒
Mr. Soyars _____
Mr. Thompson _____
Mr. Walters _____
Tele. Room _____
Mr. Kinley _____
Mr. Armstrong _____
Mr. Bowers _____
Mr. Herington _____
Ms. Herwig _____
Mr. Mintz _____
Mrs. Neenan _____

TO : Mr. E. S. Miller

JUNE

FROM : Forrest S. Putman

SUBJECT: [REDACTED] (C) b1

- 1 - Mr. Conrad -Enc.
- 1 - Mr. Mintz -Enc.
- 1 - Mr. E.S. Miller -Enc.
- 1 - Mr. Cregar -Enc.
- 1 - Mr. T.J. Smith -Enc.
- 1 - Mr. Putman -Enc.

Following receipt of information on 3/6/73 to the effect that explosives had been placed in vehicles in three locations in New York City, a search was conducted by the New York City Police Department Bomb Squad and our Agents and three vehicles were found containing high order explosives which appear to be of Mid-East or Soviet manufacture. From papers recovered in the vehicles, it appears that the Black September Organization was responsible for these attempted bombings.

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Enclosure

FSP:cae

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6 MAR 29 1973

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SEE ADDENDUM PAGE FOUR

01-115-20-472

SPEC. MAIL REL.

5-10/83

DATE: 12/15/2005
CLASSIFIED BY 60309 Auctm/mt/leg
DECLASSIFY ON: 60309 Auctm/mt/leg
WHERE SHOWN OTHERWISE

I have previously indicated my hesitation about questioning the judgment of the operating Divisions on an issue such as this. Such a reluctance can only be increased when those operating Divisions stick to their original position in the face of the criticism voiced at the Executives' Conference.

It should also be clear at the outset that everyone is working for the FBI, and every Division will offer its assistance, wherever relevant, to the Division which has responsibility in a given instance. Furthermore, regardless of what allocation of responsibility is made, if the respective interests of various Divisions later lead to an honest disagreement as to how a particular matter should be handled, I would expect that the conflict would be brought to the attention of higher authorities for resolution.

Nevertheless, it is of importance at this stage how responsibility is allocated with a view towards insuring that the FBI effectively meets its responsibilities when a criminal violation under the new statute occurs.

Concerning what those responsibilities are, it seems that the FBI's first duty in dealing with all criminal violations, whether political considerations are involved or not should be to do everything possible to insure the safety of the victim, except of course in homicide cases where it is too late, and to gather evidence so as to make it possible to apprehend and convict the perpetrators of the crimes.

Putting aside for a moment the countervailing considerations which argue in favor of a division of responsibility between GID and DID, it appeared to me from the discussion at the Executives' Conference that a strong case initially was made in favor of giving GID responsibility for supervising all murder and kidnaping cases, just as it has been proposed to give GID responsibility for supervising all aircraft hijacking cases.

This case in favor of GID can be summarized as follows. A murder or kidnaping case presents first and foremost a criminal violation, whatever else it may also present in the form of political considerations. Several opinions were expressed at the Conference to the effect that GID is better equipped than DID to handle the nuts and bolts of these types of criminal investigations. It is hardly surprising that as between GID and

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